



FESIA A. DAVENPORT
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

27 November 1, 2022

CELIA ZAVALA
EXECUTIVE OFFICER

November 01, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

APPROVAL OF BOARD POLICY FOR ALL-GENDER RESTROOM POLICY (ALL DISTRICTS) (3-VOTES)

SUBJECT

Recommendation to approve a new Board of Supervisors (Board) Policy establishing All-Gender Restroom Standards (Policy) as a requirement for new construction, renovations, or leases.

IT IS RECOMMENDED THAT THE BOARD:

Approve the enclosed proposed Policy.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

It is proposed that the Policy require single-user, all-gender restrooms be provided in newly constructed County buildings and major remodels. The proposed Policy will be accompanied by guidelines that will define a major renovation (similar to the current requirements used when making accessibility upgrades to existing space) and will include a method to calculate the number of all-gender restrooms.

Background

In April 2016, the Board adopted a motion which required all existing single-user restrooms in County facilities be converted to all-gender restrooms. Furthermore, in September 2016, State Assembly Bill 1732 was signed into law requiring that all single-user restrooms in any business establishment, place of public accommodation, or government agency in California be identified as all-gender restrooms, with an effective date for compliance by March 1, 2017.

On June 4, 2019, based on a motion from Supervisors Kuehl and Solis, the Board directed the Chief Executive Office (CEO), working in consultation with the Departments of Public Works (DPW) and Internal Services (ISD), to report back to the Board with a proposal that included: a) updated building standards that assume easily-accessible all-gender restrooms for clients and staff in all newly constructed County buildings and major remodels, with particular emphasis on buildings that provide direct services to youth or populations that are likely to include a high number of transgender or gender non-conforming individuals; b) all-gender restroom standards for the County's recently-adopted \$750 million Facility Reinvestment Program (FRP) including the County's Deferred and Extraordinary Maintenance programs and; c) standards for easily-accessible all-gender restrooms, with appropriate signage, for clients and staff in all new and forthcoming agreements for leased space, with a particular emphasis on buildings that provide direct services to youth or to populations that are likely to include a high number of transgender or gender non-conforming individuals.

On March 13, 2020, the CEO issued a report back responding to the June 19, 2019, motion (Enclosure I), and indicated that a policy with guidelines for all-gender restrooms would be developed after discussions with key internal County stakeholders. The proposed Policy and Guidelines are now developed and enclosed for Board consideration (Enclosure II).

FISCAL IMPACT/FINANCING

In accordance with the County's Strategic Asset Management Plan, the FRP strives to maximize existing County assets to their best and highest use in order to extend their useful life. The FRP consists of the prioritization of identified building deficiencies and major building systems that are near or passed their service life and in poor condition. Similarly, the Extraordinary Maintenance Program primarily addresses immediate and urgent repairs of what already exists. Neither the FRP or the Extraordinary Maintenance Program is intended for use in addressing functional or programmatic changes within existing County facilities and, therefore, would not apply to the proposed Policy.

There is no direct cost impact to implementing the proposed Policy. Incorporation of all gender restrooms in new construction, renovations, or leases will be designed, permitted, and constructed through the appropriate capital project or lease agreement as required by the guidelines.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Newly constructed and renovated buildings are required to meet the 2019 California Building Code (CBC) per Title 26 of the County Code. The CBC establishes a method of determining the minimum number of required plumbing fixtures (toilets, urinals and lavatories) for new construction, additions, and alterations to existing facilities based on building square footage and occupancy type. The CBC requires specific numbers and types of plumbing fixtures to be provided for men and women and requires these fixtures be located in separate restrooms designated for men or women.

The number of required fixtures is generally split equally between men and women with an additional requirement for urinals to be provided as part of the required fixture count for men.

A single-user restroom is defined by building code as a restroom with no more than one toilet and one urinal with a locking mechanism controlled by the user. The CBC allows that if single-user restrooms are provided, they can be used to meet the plumbing code required fixture count, however, they can only be counted towards the required number designated for men or women but

not both. Further, the CBC requires that if a single-user restroom is not identified specifically for men or women, it must be identified as unisex. These single-user restrooms are also sometimes provided and identified as family or assisted restrooms. In all cases, single-user restrooms are required to comply with Americans with Disabilities Act (ADA) accessibility standards.

Currently, all existing single-user restrooms in County-owned and leased facilities have received updated and appropriate signage and are now designated for use as all-gender restrooms. However, there is currently no building code requirement or County policy that mandates single-user restrooms be provided for new construction, additions, and renovations to existing or leased facilities.

The CEO Real Estate Division selects leased properties based on departmental needs, federal, State, and local jurisdictional requirements and cost factors. Furthermore, the CEO Real Estate Division identifies suitable locations for leased space based on specific geographic criteria. The CEO Real Estate Division will update Real Estate Procedures with leased space protocols for all-gender restrooms, based on the proposed Policy to ensure equal access to easily accessible all-gender restrooms at County facilities.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this new proposed Policy on all-gender restrooms will require single-user, all-gender restrooms be provided in newly constructed County buildings, major remodels or leases.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Programs Division.

The Honorable Board of Supervisors

11/1/2022

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Fesia A. Davenport', with a large, sweeping flourish at the end.

FESIA A. DAVENPORT

Chief Executive Officer

FAD:JMN:JTC

VBM:MJD:AD:ns

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Internal Services
Parks and Recreation
Public Works
Audit Committee
Los Angeles County Development Authority



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
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SACHI A. HAMAI
Chief Executive Officer

March 13, 2020

To: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

JANICE HAHN
Fourth District

KATHRYN BARGER
Fifth District

REPORT BACK ON ALL-GENDER RESTROOM STANDARDS (ITEM NO. 9, AGENDA OF JUNE 4, 2019)

On June 4, 2019, based on a motion from Supervisors Kuehl and Solis, the Board directed the Chief Executive Officer (CEO), working in consultation with the Department of Public Works (DPW) and the Internal Services Department (ISD), to report back to the Board with a proposal that: a) includes updated building standards that assume easily-accessible all-gender restrooms for clients and staff in all newly constructed County buildings and major remodels, with particular emphasis on buildings that provide direct services to youth or populations that are likely to include a high number of transgender or gender non-conforming individuals; b) includes all-gender restroom standards for the County's recently-adopted \$750 million Facility Reinvestment Program (FRP) including the County's Deferred and Extraordinary Maintenance programs; and c) includes standards for easily-accessible all-gender restrooms, with appropriate signage, for clients and staff in all new and forthcoming agreements for leased space, with a particular emphasis on buildings that provide direct services to youth or to populations that are likely to include a high number of transgender or gender non-conforming individuals.

Background

In April 2016, the Board adopted a motion which required all existing single-user restrooms in County facilities be converted to all-gender restrooms. Furthermore, in September 2016, State Assembly Bill 1732 was signed into law requiring that all single-user restrooms in any business establishment, place of public accommodation, or government agency be identified as all-gender restrooms, with an effective date for compliance by March 1, 2017.

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March 13, 2020
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Currently, all existing single-user restrooms in County owned and leased facilities have received updated and appropriate signage and are now designated for use as all-gender restrooms.

However, there is currently no building code requirement or Los Angeles County policy that mandates single-user restrooms be provided for new construction, additions, and renovations to existing or leased facilities.

Building Code Requirements

Newly constructed and renovated buildings are required to meet the 2019 California Building Code (CBC) per Title 26 of the Los Angeles County Code. The CBC establishes a method of determining the minimum number of required plumbing fixtures (toilets, urinals and lavatories) for new construction, additions, and alterations to existing facilities based on building square footage and occupancy type. The CBC requires specific numbers and types of plumbing fixtures to be provided for men and women and requires these fixtures be located in separate restrooms designated for men or women. The number of required fixtures is generally split equally between men and women with an additional requirement for urinals to be provided as part of the required fixture count for men.

A single-user restroom is defined by building code as a restroom with no more than one toilet and one urinal with a locking mechanism controlled by the user. The CBC allows that if single-user restrooms are provided, they can be used to meet the plumbing code required fixture count, however, they can only be counted towards the required number designated for men or women but not both. Further, the CBC requires that if a single-user restroom is not identified specifically for men or women, it must be identified as unisex. These single-user restrooms are also sometimes provided and identified as family or assisted restrooms. In all cases, single-user restrooms are required to comply with Americans with Disabilities Act (ADA) accessibility standards.

Newly Constructed County Buildings and Major Remodels

The CEO consulted with County Counsel, DPW, and ISD to review current County requirements for projects that include restrooms and to assess how best to supplement existing requirements to comply with the Board's request for improved all-gender access throughout the County, particularly for locations providing direct services to youth. Based on those discussions, it was determined that a new County policy would be the best method to address improved all-gender restroom access Countywide.

It is proposed that the new policy require single-user, all-gender restrooms be provided in newly constructed County buildings and major remodels. The proposed policy will be accompanied by guidelines that will define a major renovation (similar to the current requirements used when making accessibility upgrades to existing space) and will include a method to calculate the number of all-gender restrooms.

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Moreover, the guidelines will include language that emphasizes the importance of prioritizing the creation of all-gender restrooms in buildings that provide direct services to the County's youth population.

Facility Reinvestment and Extraordinary Maintenance Programs

In accordance with the County's Strategic Asset Management Plan, the FRP strives to maximize existing County assets to their best and highest use in order to extend their useful life. The FRP consists of the prioritization of identified building deficiencies and major building systems that are near or passed their service life and in poor condition. Similarly, the Extraordinary Maintenance program primarily addresses immediate and urgent repairs of what already exists. Neither the FRP or the Extraordinary Maintenance program is intended for use in addressing functional or programmatic changes within existing County facilities, and therefore would not apply to the proposed policy.

County Leased Space

The CEO Real Estate Division selects leased properties based on departmental needs, federal, state and local jurisdictional requirements and cost factors. Furthermore, the CEO Real Estate Division identifies suitable locations for leased space based on specific geographic criteria. The CEO Real Estate Division is currently creating a Real Estate Procedures Manual with leasing protocols that will detail the County's criteria for leased space. The proposed All-Gender Restroom Policy and guidelines will be incorporated in the Real Estate Procedures Manual to ensure equal access to easily accessible all-gender restrooms at County facilities.

Next Steps

The CEO, in consultation with County Counsel, DPW and ISD, will continue development of a new County policy requiring easily accessible all-gender restrooms in newly constructed County buildings and major remodels. Development of the proposed policy will be conducted with all appropriate County agencies and stakeholders and will be shared with the Board offices for input prior to implementation.

If you have any questions, please contact Matthew Diaz at (213) 974-4260, or mdiaz@ceo.lacounty.gov.

SAH:FAD:DPH
MJD:AD:ns

c: Executive Office, Board of Supervisors
County Counsel
Public Works
Internal Services



Los Angeles County
BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
3.195	All-Gender Restroom Policy for County-Owned and Leased Facilities	00/00/00

PURPOSE

Establishes a County policy for the provision of All-Gender Restroom Guidelines for County sponsored new construction, refurbishments and leased facilities. This policy further communicates the Board's commitment to prioritize the creation of restroom facilities that are accessible for all users, including transgender and gender non-conforming individuals.

REFERENCE

[Assembly Bill No. 1732 Chapter 818 Single-User Restrooms](#) (codified at section 118600 of the California Health and Safety Code)

[California Division of the State Architect, BU 17-01 Identification of Single-User Toilet Facilities as All-Gender](#)

All-Gender Restrooms Guidelines

POLICY

Los Angeles County is dedicated to creating and sustaining an environment that supports and values all members of the community. The Los Angeles County policy for All-Gender Restroom Guidelines for County-Owned and Leased Facilities provides direction related to the creation and adaptation of all-gender restroom facilities for the health and safety of Los Angeles County employees and visitors. In keeping with the County's commitment to nondiscrimination and inclusion, this policy allows all individuals the right to use a restroom or facility that is safe and accessible for them, without being harassed or questioned, regardless of gender expression or sex assigned at birth. Additionally, the All-Gender Restroom Guidelines provide County departments with project delivery guidance to afford all users equal access to restrooms, at County owned and leased facilities.

Any departure from this policy must be explicitly justified by significant overriding consideration(s).

RESPONSIBLE DEPARTMENT

Chief Executive Office

DATE ISSUED/SUNSET DATE

Issue Date: October 18, 2022

Sunset Date: October 18, 2024

All-Gender Restrooms Guidelines

PURPOSE

Los Angeles County is dedicated to creating and sustaining an environment that supports and values all members of the community. The Los Angeles County Policy for All-Gender Restroom Guidelines provides direction related to the creation and adaptation of all-gender restroom facilities for the health and safety of Los Angeles County employees and visitors. In keeping with the County's commitment to nondiscrimination and inclusion, this policy allows all individuals the right to use a restroom or facility that is safe and accessible for them, without being harassed or questioned, regardless of gender expression or sex assigned at birth.

This policy sets forth the County's commitment to ensure easily accessible all-gender restrooms at County owned and leased facilities. Individuals that may be impacted by this policy include, but are not limited to: transgender, gender nonconforming, non-binary; adults accompanied by assistants, caretakers or dependents; young children or infants accompanied by parents or other adult caretakers; those who have physical impairments or other disabilities; and those who use mobility aids. All of these individuals' right to accessible and safe use of restrooms appropriate to their comfort, safety, gender identities, and other status will be supported and protected.

ALL-GENDER RESTROOM GUIDELINES

The following guidelines shall be followed, subject to the applicable laws, regulations, guidelines, and policies of those entities having oversight over buildings built and renovated by or on behalf of Los Angeles County:

New Construction Buildings

1. In new construction buildings, at least one percent (1%) of the total required toilet fixture count, but no fewer than one (1) toilet fixture, shall be provided in an All-Gender restroom.
2. If the public will have regular access to new construction buildings, at least one All-Gender restroom shall be provided for visitors on the ground floor in a location that is easily accessible and does not require special escort or permission.
3. To the extent reasonably possible, at least one All-Gender restroom should be provided for employees on the floors where there are staff work areas.
4. Signs shall be strategically placed throughout the building indicating the location of the nearest All-Gender restroom.
5. All-Gender restrooms must comply with accessibility requirements for persons with disabilities.

Renovation and Remodel of Existing Buildings:

1. In major remodel or renovation projects, at least one percent (1%) of the total required toilet fixture count, but no fewer than one (1) toilet fixture, shall be provided in an All-Gender restroom unless one of the following conditions are met:
 - a. When a major renovation or remodel project consists exclusively of upgrades to building systems, seismic strengthening, parking lots, residential dwelling, or qualified historic buildings and does not include significant changes to functional or programmatic spaces within the remodeled or renovated space; or
 - b. When the cost of full compliance with this policy would exceed 20 percent of the adjusted construction cost of alterations, structural repairs, or additions, compliance should be considered and provided to the greatest extent possible without exceeding 20 percent of the total cost.
2. If the public will have regular access to renovated buildings, then to the extent reasonably possible, at least one All-Gender restroom shall be provided for visitors on the ground floor of existing buildings in a location that is easy to access and does not require special escort or permission.
3. To the extent reasonably possible, at least one All-Gender restroom should be provided for employees on the floors where there are staff work areas.
4. Signs shall be strategically placed throughout the building indicating the location of the nearest All-Gender restroom.
5. All-Gender / gender inclusive restrooms must comply with accessibility requirements for persons with disabilities.

Leased Facilities

1. To the greatest extent possible, the Real Estate division will include all-gender restrooms in their search criteria for new leases.
2. In major remodel or renovation projects, at least one percent (1%) of the total required toilet fixture count, but no fewer than one (1) toilet fixture, shall be provided in an All-Gender restroom unless one of the following conditions are met:
 - a. When a major renovation or remodel project consists of upgrades to building systems only and does not include significant changes to functional or programmatic spaces within the remodeled or renovated space; or
 - b. When the cost of full compliance with this policy would exceed 20 percent of the adjusted construction cost of alterations, structural repairs, or additions, compliance should be considered and provided to the greatest extent possible without exceeding 20 percent of the total cost.

3. All single user restrooms must be designated as all-gender restrooms in compliance with AB 1732.

DEFINITIONS¹

For the purposes of these Guidelines:

All-Gender Restroom, sometimes referred to as a single-occupancy restroom that is usable by persons of All-Gender identities.

Renovation or Remodel is a renovation or remodel exceeding 50% of the construction cost of building equivalent new space.

Plumbing Fixture is an exchangeable device such as a toilet, urinal or sink which is connected to a building's plumbing system.

Restroom is any facility equipped with toilets, urinals, sinks, and/or other similar facilities, that is for use by employees or the public for personal hygiene and comfort. "In a public facility" and "for use by the public" in this context covers essentially all facilities except for facilities located within private residences or apartments, or in areas not accessible to the public.

Single-Occupancy Restroom is a restroom with no more than one toilet, sink, and may also include no more than one urinal, that has a locking mechanism on the entry door that is controlled by the user to ensure privacy.

Adjusted Construction Cost. [DSA-AC] All costs directly related to the construction of a project, including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit, and construction management costs. The costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability. The adjusted construction cost shall not include project management fees and expenses, architectural and engineering fees, testing and inspection fees, and utility connection or service district fees.

¹ UCLA Policy 890: Gender Inclusive Facilities